

MR. SPEAKER.—The question is :

“ That the Mysore Labour Welfare Fund Bill, 1964, be passed. ”

The motion was adopted.

OFFICIAL RESOLUTION.

Re : The Calling of Sanitary Inspectors and matters connected therewith or Incidental thereto, to be regulated in this State by Parliament by law.

SRI K. NAGAPPA ALVA (Minister for Health).—I beg to move the following resolution for the acceptance of this House :

“ Whereas the regulation of the calling of sanitary inspectors, who are concerned in the administration of public health and sanitation, is a matter of general importance and the problems relating thereto are common to all the States ;

5-30 P.M.

“ And whereas legislation for the purpose mentioned above is relatable to matters enumerated in entry 6 and entry 11 of List II in the Seventh Schedule to the Constitution of India with respect to which Parliament has no power to make a law for the States except as provided in articles 249 and 250 thereof ;

“ And whereas it appears to this Council to be desirable that such legislation should be undertaken by Parliament ;

Now, therefore, in pursuance of clause (i) of article 252 of the Constitution of India, this Council hereby resolves that the calling of sanitary inspectors and all other matters connected therewith or incidental thereto shall be regulated in this State by Parliament by law. ”

MR. SPEAKER.—Resolution moved :

“ Whereas the regulation of the calling of Sanitary Inspectors, who are concerned in the administration of public health and sanitation, is a matter of general importance and the problems relating thereto are common to all the States ;

“ and Whereas legislation for the purpose mentioned above is relatable to matters enumerated in entry 6 and entry 11 of List II in the Seventh Schedule to the Constitution of India with respect to which Parliament has no power to make a law for the States except as provided in articles 249 and 250 thereof ;

And whereas it appears to this Council to be desirable that such legislation should be undertaken by Parliament :

" Now, therefore, in pursuance of clause (1) of article 252 of the Constitution of India, this Council hereby resolves that the calling of sanitary inspectors and all other matters connected therewith or incidental thereto shall be regulated in this State by Parliament by law. "

Sri K. NAGAPPA ALVA.—Sir, as it is, the Sanitary Inspectors' training is conducted not only by Government and Municipal Bodies, but also by private bodies and the period of training and syllabus and curriculum are varying and there is nothing like standard training for these people. In Bombay they are having a training for six months. Hence, the standard of teaching, training and everything is below and they have found it difficult to get into Government jobs and it is very necessary that this training examination and syllabus and curriculum should be standardised. For this purpose, the Government of India had proposed to constitute a statutory council, a central council of health on the lines of Indian Nursing Council and Pharmacy Council of India. The functions of this proposed council is to lay down the standard syllabus and curriculum to deal with grant of recognition to carry out the training programme and inspections of any institution recognised as a training institute and to attend any examination held for the purpose and also to withdraw recognition and undertake registration of candidates in the State.

This resolution is just to enable the Parliament to pass the bill to this effect by which the Central Council of Health can be formed and the Central Council of Health will be formed with the representatives of the state also. Hence this only enables the Sanitary Inspectors to have proper training and also employment facilities without any difficulty. By this kind of training, it will be helpful to them to register their names in the States as well as in the Central Register. So there is no controversy. The Parliament is not taking away the powers of our Assembly. It is only to enable us to have the Sanitary Inspectors with standard training. Hence I commend this for the acceptance of this House.

† Sri G. V. GOWDA.—Mr. Speaker Sir, just now it was mentioned this is a matter which has no controversy. It is also said that we are not going to give up our power by accepting this resolution. I wish to ask one thing Sir, If this resolution is adopted, will we not be giving away the power of this House to Parliament to make an enactment by itself. Under Article 252 (1) of the Constitution, if two or more States desire to make law, then it shall be lawful for the Parliament to pass an Act. Unless two or more States agree the resolution would become futile. At least two or more States Legislatures should express their desire to the Parliament, then only any legislation of this kind could be brought and it might become fruitful but not otherwise. It is also stated that an Act so passed by

(SRI G. V. GOWDA)

Parliament may be amended or repealed by an Act of Parliament itself and not otherwise. When once the power vested in this House is taken away and given to the Parliament, I do not think there is any corresponding provision in the constitution to take back that power. In fact, on some other subjects in Public Health, the power vested in this house has been transferred under a resolution of this kind moved by the very same Hon'ble Minister for Health. Now, legislation in respect of Sanitary Inspectors' Training is sought to be taken over from the State Legislature's power by the Parliament. I wonder whether it is not possible for this house to make a legislation in respect of a matter which we now seek to transfer by this resolution. After all, Public Health is a State subject. Under Public Health several legislations have been made. Even in respect of training of the Sanitary Inspectors, have we to make a resolution of this type? Could it not be possible to have the Sanitary Inspectors' Training made in an efficient manner and getting recognition as it deserves that is prevailing in any other State? I do not know what is the status and other conditions of the Sanitary Inspectors who have been trained so far and who have been employed by the State Public Health Department and also by the Local Bodies. By transferring this power and by giving a new recognition to the Inspectors that are to be trained henceforward, they may get a special status to the detriment of the persons already working. Now, there are so many trained persons working in the Public Health Department and under the control of several Local Bodies, whether their status and other conditions would not be affected by transferring powers by legislating in respect of that matter to the Parliament, is to be made clear. I wish to have answers for these questions: (1) would it not affect the existing Inspectors who are functioning in the State, (2) which is the other State which has expressed its desire to have a similar resolution, and (3) whether this House is not capable of making an enactment of a similar nature in order to fulfil the purpose for which we are now trying to transfer our power?

† Sri ANNA RAO GANAMUKHI (Afzalpur).—Sir, this Resolution has been brought under Article 252 of the Constitution. Our experience is that the power to legislate on any of the matters falling under List II are delegated to Parliament and this is being done regularly by our House. In this Article, there are two alternatives. One alternative is that we may pass a Resolution and delegate our powers to Parliament. There is another alternative also which is available after Parliament passes the Bill and makes an Act. After the passing of the Act or passing of the Bill, the States who have not passed such a Resolution may adopt that Act. May I suggest to the Minister, whether it is not possible to examine all the provisions of the Act when passed by the Parliament and then see whether we can adopt that or not, because in that event we will be knowing what are the provisions of the Act, whether there are

Any advantages which will accrue to the people who serve in a particular Department and then we can easily adopt those Acts made by Parliament.

Mr. SPEAKER.—How can the Parliament enact without a resolution of this type?

Sri ANNA RAO GANAMUKHI.—How can the Article say like that? The Article itself gives the alternative. It says if some other States have joined and the Parliament is given power and a law is passed like that, we can adopt.

Mr. SPEAKER.—Unless some States delegate the power, there is no chance for the Parliament to function at all. Whether we should be the first or whether we should be the next, in which case, we get another alternative, viz., of adopting or not adopting!

Sri ANNA RAO GANAMUKHI.—I perfectly understand the position, but which will be the advantageous one? After examining the whole contentions, we can as well adopt. If it is not possible, if the Centre has got the necessary quota, if I may say so, and after the States agreeing to the Resolution, of course, there will be no option but to adopt this. Every time after a suggestion, it is the Resolution which gives first of all powers. Supposing there is a clause, which is adverse to the interests of the State, then we cannot make any amendment; we cannot even suggest any amendment. That is the disadvantage from which we will suffer. Therefore, may I request the Minister to examine the possibility of adopting the legislation itself when it is passed by the Parliament, because then only we will be in a more advantageous position to know the implications of the Act?

Sri K. NAGAPPA ALVA.—Sir, the two main points that were raised here are, about the question of adopting this Resolution and whether there are other States which have passed this Resolution. The Central Health Council passed the Resolution one year ago that we must agree to this kind of legislation by the Parliament. The purpose of the legislation is to standardise the education and training of the Sanitary Inspectors and all the States have agreed with this view. And, on the request of the Central Health Council—I have got information—all the States have agreed and our State also, just a few months ago, have given concurrence. Just at present, I am not in a position to say which States have adopted, but I am quite sure that other States also must have agreed. There is no doubt that all will agree to this. The draft Bill also has been circulated to the different States and our Health Ministry has gone into all these things and after considering all these things, we have given our concurrence.

Sri ANNA RAO GANAMUKHI.—In that case, may I request the Minister to place this Bill before this House so that we may see the provisions.

Sri K. NAGAPPA ALVA.—I think that it is not at all necessary to place the Bill since the Health Ministry has examined all these things and we know fully well that it is not in any way disadvantageous. On

(SRI K. NAGAPPA ALVA)

the other hand, there are so many advantages by this and we are not giving up our powers to the Parliament. I can give the assurance and that is the clear position also. This refers to only Sanitary Inspectors who will be having training to become Sanitary Inspectors. We will have State Councils also and there will be State Registers. The powers will be as I already said to standardise the syllabus and curriculum and also to regulate and see that those bodies which want to give this training must prove their worth by their application to the Central Health Council. Then only, with their approval, they can have this training. This legislation is only meant for having uniform standard of education and training of Sanitary Inspectors. So, there is nothing like the service conditions being affected. On the other hand, it will standardise and help them in every respect.

Mr. SPEAKER.—The question is :

‘Whereas the regulation of the calling of Sanitary Inspectors, who are concerned in the administration of Public Health, and sanitation, is a matter of general importance and the problems relating thereto are common to all the States ;

And whereas legislation for the purpose mentioned above is relatable to matters enumerated in entry 6 and entry 11 of List II in the Seventh Schedule to the Constitution of India with respect to which Parliament has no power to make a law for the States except as provided in articles 240 and 250 thereof ; and whereas it appears to this Assembly to be desirable that such legislation should be undertaken by Parliament ;

Now, therefore, in pursuance of clause (1) of article 252 of the Constitution of India, this Assembly hereby resolves that the calling of sanitary inspectors and all other matters connected therewith or incidental thereto shall be regulated in this State by Parliament by law.’

The motion was adopted.

OFFICIAL RESOLUTION

re: Storage of commodities other than those commodities covered by the Warehousing Corporation Act, 1962, in the warehouses run by the corporations to be regularised in this State by Parliament by law.

Sri KONDAJJI BASAPPA (Deputy Minister for Co-operation).—Sir, I beg to move the following resolution :—

“Whereas the Central Warehousing Corporation and the State Warehousing Corporation established under the Warehousing Corporation Act, 1962 (58 of 1962) are empowered to